

CLOSED,FULLCON,R16,TRCK1

**U.S. District Court**  
**Eastern District of Missouri (LIVE) (St. Louis)**  
**CIVIL DOCKET FOR CASE #: 4:12-cv-01800-TIA**

American Bottom Conservancy v. U.S. Army Corps of Engineers  
Assigned to: Magistrate Judge Terry I. Adelman  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/04/2012  
Date Terminated: 04/08/2013  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****American Bottom Conservancy**

represented by **Robert R. Kuehn**  
WASHINGTON UNIVERSITY SCHOOL OF LAW  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. Army Corps of Engineers**

represented by **Jane Rund**  
OFFICE OF U.S. ATTORNEY  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/04/2012	<u>1</u>	COMPLAINT against defendant U.S. Army Corps of Engineers with receipt number 0865-3495608, in the amount of \$350 Non-Jury Demand,, filed by American Bottom Conservancy. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Kuehn, Robert) (Additional attachment(s) added on 10/5/2012: # <u>4</u> Civil Cover Sheet, # <u>5</u> Original Filing Form) (DLB). (Entered: 10/04/2012)
10/04/2012	<u>2</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Plaintiff American Bottom Conservancy. Parent companies: none, Subsidiaries: none, Publicly held company: none,. (DLB) (Entered: 10/05/2012)
10/05/2012		Case Opening Notification: Summonses issued, 3 at 60 days. Consents issued to all parties. Judge Assigned: U.S. Magistrate Judge Terry I. Adelman. The Summonses were emailed to Robert R. Kuehn. (DLB) (Entered: 10/05/2012)
10/05/2012	<u>3</u>	MOTION for Leave to Appear as Student Representative by Plaintiff American Bottom Conservancy. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Kuehn, Robert) (Entered: 10/05/2012)
10/05/2012		Pursuant to Local Rule 2.08, the assigned/referred magistrate judge is designated and authorized by the court to exercise full authority in this assigned/referred action or matter under 28 U.S.C. Sec. 636 and 18 U.S.C Sec. 3401. (CSAW)

		(Entered: 10/05/2012)
10/09/2012	<u>4</u>	Docket Text ORDER: IT IS HEREBY ORDERED that the Motion for Authorization of Law Student Representation [Doc. #3] filed by Plaintiff American Bottom Conservancy is GRANTED. Samantha Seaton is hereby approved to appear on behalf of Plaintiff under the supervision of attorney Robert R. Kuehn. Signed by Magistrate Judge Terry I. Adelman on 10/9/12. (ALM) (Entered: 10/09/2012)
11/13/2012	<u>6</u>	ANSWER to <u>1</u> Complaint, by U.S. Army Corps of Engineers.(Rund, Jane) (Entered: 11/13/2012)
11/13/2012	<u>7</u>	MOTION to Dismiss for Lack of Jurisdiction ( <i>SECOND CAUSE OF ACTION</i> ) by Defendant U.S. Army Corps of Engineers. (Rund, Jane) (Entered: 11/13/2012)
11/13/2012	<u>8</u>	MEMORANDUM in Support of Motion re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction ( <i>SECOND CAUSE OF ACTION</i> ) filed by Defendant U.S. Army Corps of Engineers. (Attachments: # <u>1</u> Exhibit A)(Rund, Jane) (Entered: 11/13/2012)
11/19/2012	<u>9</u>	FULL CONSENT has been received by Plaintiff American Bottom Conservancy, Defendant U.S. Army Corps of Engineers. (KJS) (Entered: 11/19/2012)
11/20/2012	<u>10</u>	MEMORANDUM in Opposition re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction ( <i>SECOND CAUSE OF ACTION</i> ) filed by Plaintiff American Bottom Conservancy. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Kuehn, Robert) (Entered: 11/20/2012)
11/27/2012	<u>11</u>	RULE 16 ORDER – Joint Scheduling Plan due by 12/28/2012. Rule 16 Conference set for 1/3/2013 02:00 PM in Telephone before Magistrate Judge Terry I. Adelman. Signed by Magistrate Judge Terry I. Adelman on 11/27/12. (KJS) (Entered: 11/27/2012)
11/30/2012	<u>12</u>	REPLY to Response to Motion re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction ( <i>SECOND CAUSE OF ACTION</i> ) filed by Defendant U.S. Army Corps of Engineers. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rund, Jane) (Entered: 11/30/2012)
12/05/2012	<u>13</u>	Docket Text ORDER: IT IS HEREBY ORDERED that Plaintiff shall file a sur-reply to Defendant's Motion to Dismiss no later than December 14, 2012. Signed by Magistrate Judge Terry I. Adelman on 12/5/12. (ALM) (Entered: 12/05/2012)
12/14/2012	<u>14</u>	SURREPLY to Motion re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction ( <i>SECOND CAUSE OF ACTION</i> ) filed by Plaintiff American Bottom Conservancy. (Kuehn, Robert) (Entered: 12/14/2012)
12/19/2012	<u>15</u>	Joint MOTION to Vacate <u>11</u> Rule 16 Order by Defendant U.S. Army Corps of Engineers. (Rund, Jane) (Entered: 12/19/2012)
12/26/2012	<u>16</u>	MEMORANDUM AND ORDER – IT IS HEREBY ORDERED that Defendants Motion to Dismiss Second Cause of Action (Doc. No. <u>7</u> ) is GRANTED. IT IS FURTHER ORDERED that the Joint Motion to Vacate Order Setting Rule 16 Conference (Doc. No. <u>15</u> ) is GRANTED. The parties shall file a joint status report no later than January 11, 2013. Signed by Magistrate Judge Terry I. Adelman on 12/26/12. (KJS) (Entered: 12/26/2012)
01/11/2013	<u>17</u>	Joint MOTION for Leave to Set Briefing Schedule by Plaintiff American Bottom Conservancy. (Kuehn, Robert) (Entered: 01/11/2013)
01/16/2013	<u>18</u>	RULE 16 ORDER This case is assigned to Track: 2( Joint Scheduling Plan due by 2/1/2013., Rule 16 Conference set for 2/5/2013 03:00 PM in Telephone before Magistrate Judge Terry I. Adelman.) Signed by Magistrate Judge Terry I. Adelman on 1/16/2013. (KMS) (Entered: 01/16/2013)
01/24/2013	<u>19</u>	MOTION for Leave to Authorize Law Student Representation by Plaintiff American Bottom Conservancy. (Attachments: # <u>1</u> Attachment, # <u>2</u> Text of Proposed Order)(Kuehn, Robert) (Entered: 01/24/2013)

01/30/2013	<u>20</u>	Docket Text ORDER: IT IS HEREBY ORDERED that the Motion for Authorization of Law Student Representation [Doc. #19] filed by Plaintiff American Bottom Conservancy is GRANTED. Ashley Fard is hereby approved to appear on behalf of Plaintiff under the supervision of attorney Robert R. Kuehn. Signed by Magistrate Judge Terry I. Adelman on 1/30/13. (ALM) (Entered: 01/30/2013)
01/31/2013	<u>21</u>	JOINT SCHEDULING PLAN by Plaintiff American Bottom Conservancy. . (Kuehn, Robert) (Entered: 01/31/2013)
02/01/2013	<u>22</u>	CASE MANAGEMENT ORDER – TRACK 1: EXPEDITED; This case is assigned to Track: 1 (expedited); IT IS HEREBY ORDERED that the Rule 16 Conference previously set for Tuesday, February 5, 2013 be canceled. IT IS FURTHER ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances: SCHEDULING PLAN: Any motions for summary judgment shall be filed no later than February 19, 2013; any memorandum in opposition to a motion for summary judgment shall be filed no later than March 1, 2013, and any reply shall be filed no later than March 11, 2013. Disposit; Signed by Magistrate Judge Terry I. Adelman on 02/01/2013. (DJO) (Entered: 02/01/2013)
02/19/2013	<u>23</u>	MOTION for Summary Judgment by Plaintiff American Bottom Conservancy. (Kuehn, Robert) (Entered: 02/19/2013)
02/19/2013	<u>24</u>	MEMORANDUM in Support of Motion re <u>23</u> MOTION for Summary Judgment filed by Plaintiff American Bottom Conservancy. (Kuehn, Robert) (Entered: 02/19/2013)
02/19/2013	<u>25</u>	STATEMENT of Material Facts re <u>23</u> MOTION for Summary Judgment filed by Plaintiff American Bottom Conservancy. (Kuehn, Robert) (Entered: 02/19/2013)
02/28/2013	<u>26</u>	MOTION for Extension of Time to File Response/Reply as to <u>25</u> Statement of Material Facts, <u>23</u> MOTION for Summary Judgment , <u>24</u> Memorandum in Support of Motion by Defendant U.S. Army Corps of Engineers. (Rund, Jane) (Entered: 02/28/2013)
03/04/2013	<u>27</u>	Docket Text ORDER: IT IS HEREBY ORDERED that Defendant's Motion for Enlargement of Time to file a response to Plaintiff's Motin for Summary Judgment [Doc. #26] is GRANTED to and including March 20, 2013. Signed by Magistrate Judge Terry I. Adelman on 3/4/13. (ALM) (Entered: 03/04/2013)
03/20/2013	<u>28</u>	MOTION for Extension of: time in which to file a Notice of Settlement, by Defendant U.S. Army Corps of Engineers. (Rund, Jane) (Entered: 03/20/2013)
03/20/2013	<u>29</u>	Plaintiff filed a motion for summary judgment, and Defendant's response is due March 20, 2013. Presently pending is a motion of Defendant, filed without objection of the Plaintiff, for an extension of time to file a response to Plaintiff's motion for summary judgment inasmuch as the parties have reached an agreement in this matter. In addition, the Defendant requests additional time to March 22, 2013 in which to file the notice of settlement. Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Extension of Time [ECF No. 28] be GRANTED. Defendant's deadline for filing a responsive pleading shall be stayed pending the filing of the Notice of Settlement.Signed by Magistrate Judge Terry I. Adelman on 3/20/2013. (KAS) (Entered: 03/20/2013)
03/22/2013	<u>30</u>	STIPULATION OF AGREEMENT by Defendant U.S. Army Corps of Engineers. (Rund, Jane) (Entered: 03/22/2013)
03/22/2013	<u>31</u>	SCHEDULING ORDER: IT IS HEREBY ORDERED that counsel shall file, within thirty (30) days of the date of this Order, a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consent judgment. Failure to timely comply with this Order shall result in the dismissal of this action with prejudice. Dismissal Paper(s) due by 4/21/2013.. Signed by Magistrate Judge Terry I. Adelman on 3/22/13. (KKS) (Entered: 03/22/2013)
04/05/2013	<u>32</u>	STIPULATION re <u>31</u> Scheduling Order, <i>FOR DISMISSAL</i> by Defendant U.S. Army Corps of Engineers. (Rund, Jane) (Entered: 04/05/2013)

04/08/2013	33	Docket Text ORDER: IT IS HEREBY ORDERED that, pursuant to the Stipulation of Dismissal filed by the parties [Doc. #32], this matter is DISMISSED with prejudice. IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [Doc. #23] is DENIED as moot. Signed by Magistrate Judge Terry I. Adelman on 4/8/13. (ALM) (Entered: 04/08/2013)
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